

MEMORANDUM

Agenda Item No. 11(A)(5)

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: July 19, 2016

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Resolution approving a Second Amendment to the Second Amended Partner Program Agreement with the Dade County Veterinary Foundation, Inc., d/b/a the South Florida Veterinary Foundation in order to increase the maximum amount of funding available for reimbursement for Fiscal Year 2015-16 from \$300,000.00 to \$325,000.00 in order to ensure the continuation of services and authorizing the County Mayor to execute the Second Amendment and to exercise any and all provisions contained therein

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Sally A. Heyman.


Abigail Price-Williams
County Attorney

APW/lmp



MEMORANDUM

(Revised)

TO: Honorable Chairman Jean Monestime
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SUBJECT: Agenda Item No. 11(A)(5)

Please note any items checked.

- ☐ "3-Day Rule" for committees applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Statement of social equity required
- ☒ Ordinance creating a new board requires detailed County Mayor's report for public hearing
- ☐ No committee review
- ☐ Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous ____) to approve
- ☐ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(5)
7-19-16

RESOLUTION NO. _____

RESOLUTION APPROVING A SECOND AMENDMENT TO THE SECOND AMENDED PARTNER PROGRAM AGREEMENT WITH THE DADE COUNTY VETERINARY FOUNDATION, INC., D/B/A THE SOUTH FLORIDA VETERINARY FOUNDATION IN ORDER TO INCREASE THE MAXIMUM AMOUNT OF FUNDING AVAILABLE FOR REIMBURSEMENT FOR FISCAL YEAR 2015-16 FROM \$300,000.00 TO \$325,000.00 IN ORDER TO ENSURE THE CONTINUATION OF SERVICES AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE SECOND AMENDMENT AND TO EXERCISE ANY AND ALL PROVISIONS CONTAINED THEREIN

WHEREAS, Miami-Dade County (the "County") previously entered into a Partner Program Agreement with the Dade County Veterinary Foundation, Inc., doing business as the South Florida Veterinary Foundation ("SFVF"), as approved by Resolution No. R-623-14 on July 1, 2014, establishing the first-ever spay/neuter program with local veterinarians to increase community spay/neuter surgeries by providing income qualified individuals with low cost pet sterilization; and

WHEREAS, SFVF and the County previously entered into an Amended Partner Program Agreement, as approved by Resolution No. R-417-15 on May 5, 2015; and

WHEREAS, SFVF and the County previously entered into a Second Amended Partner Program Agreement (the "Agreement"), as approved by Resolution No. R-637-15 on July 14, 2015, in order to increase funding to SFVF from \$200,000.00 to up to \$300,000.00 for the duration of the agreement; and

WHEREAS, SFVF and the County previously executed an amendment to the Agreement, as approved by Resolution No. R-1176-15 on December 15, 2015, in order to extend the Agreement by one year and increase funding to SFVF from \$300,000.00 to up to \$600,000.00 for the duration of the agreement, with up to \$300,000.00 to be allocated for FY 2015-16; and

WHEREAS, due to the success of the Agreement, SFVF has already come close to exhausting those funds allocated in the Agreement for FY 2015-16; and

WHEREAS, it would be in the best interests of the residents of Miami-Dade County to set aside an additional \$25,000.00 in funding from the Animal Services Trust Fund, in accordance with Resolution No. R-208-09, to increase the funding maximum amount from \$300,000.00 to \$325,000.00 in the Agreement for FY 2015-16, to avoid an interruption in these vital services for the community; and

WHEREAS, the Board wishes to authorize the execution of the attached Second Amendment to the Second Amended Partner Program Agreement, in order to allocate additional funds to the SFVF in the amount of up to \$25,000.00, for a maximum amount of \$325,000.00 for FY 2015-16, in order to ensure the continuation of services performed under the Agreement,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA that:

Section 1. This Board incorporates and adopts the foregoing recitals as if fully set forth herein.

Section 2. This Board approves the terms of the Second Amendment to the Second Amended Partner Program Agreement between Miami-Dade County and SFVF in order to

provide for an additional \$25,000.00 in funding to SFVF, for a maximum amount of up to \$325,000.00 for Fiscal Year 2015-16.

Section 3. This Board authorizes the County Mayor or County Mayor's designee to execute the Second Amendment to the Second Amended Partner Program Agreement, in substantially the form attached and after review and approval by the County Attorneys Office, and to exercise any and all provisions contained therein.

The Prime Sponsor of the foregoing resolution is Commissioner Sally A. Heyman. It was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

Jean Monestime, Chairman

Esteban L. Bovo, Jr., Vice Chairman

Bruno A. Barreiro

Jose "Pepe" Diaz

Sally A. Heyman

Dennis C. Moss

Sen. Javier D. Souto

Juan C. Zapata

Daniella Levine Cava

Audrey M. Edmonson

Barbara J. Jordan

Rebeca Sosa

Xavier L. Suarez

The Chairperson thereupon declared the resolution duly passed and adopted this 19th day of July, 2016. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.



Sabrina Levin

SECOND AMENDMENT TO SECOND AMENDED PARTNER PROGRAM AGREEMENT
BETWEEN MIAMI-DADE COUNTY AND THE SOUTH FLORIDA VETERINARY
FOUNDATION

THIS SECOND AMENDMENT TO THE SECOND AMENDED PARTNER PROGRAM AGREEMENT (the "Agreement") made and entered into as of this ____ day of _____, 2016, by and between the Dade County Veterinary Foundation, Inc., d/b/a The South Florida Veterinary Foundation (the "SFVF" or "Provider"), with an address of 751 NE 168 Street, North Miami Beach, FL 33162, and Miami-Dade County (the "COUNTY"), a political subdivision of the State of Florida, through its Animal Services Department ("ASD"), with an address at 3599 NW 79 Avenue, Doral, FL 33166.

RECITALS

WHEREAS, SFVF and the COUNTY previously entered into a Partner Program Agreement, as approved by Resolution No. R-623-14 on July 1, 2014; and

WHEREAS, SFVF and the County previously entered into an Amended Partner Program Agreement, as approved by Resolution No. R-417-15 on May 5, 2015; and

WHEREAS, SFVF and the County previously entered into a Second Amended Partner Program Agreement (the "Agreement"), as approved by Resolution No. R-637-15 on July 14, 2015; and

WHEREAS, SFVF and the County previously executed an amendment to the Agreement, as approved by Resolution No. R-1176-15 on December 15, 2015; and

WHEREAS, the Agreement limits reimbursement for services provided by SFVF to a total of \$300,000.00 for FY 2015-16; and

WHEREAS, the Parties are desirous of amending the Agreement as set forth herein, in order to increase the maximum reimbursement for services to SFVF from \$300,000.00 to \$325,000.00 for services rendered under the Agreement for FY 2015-16; and

WHEREAS, this additional \$25,000.00 in funding for FY 2015-16 shall be derived from the Animal Services Department's Animal Trust Fund ,; and

WHEREAS, as long as the Agreement remains active, the maximum amount allocated for services will be subject to the COUNTY'S budgetary process each fiscal year;

NOW, THEREFORE, for and in consideration of the mutual promises set forth herein, the adequacy of which is hereby accepted and acknowledged by the Parties, the COUNTY and SFVF agree that the foregoing recitals are correct, and further state as follows:

Section 2. Page 3 of 13 of the Agreement, under the heading "RESPONSIBILITIES OF COUNTY," paragraph (d) is hereby deleted and replaced with the following language:

- d. Beginning in Fiscal Year 2015-16, ASD may provide SFVF with funding of up to \$325,000.00, as follows:
- Reimbursements under this section shall be funded in increments of \$100,000.00, for reimbursement of services performed by SFVF, as outlined in this Agreement.
 - Each increment shall be funded by ASD after approval following receipt from SFVF of proof of previous increment and properly submitted vouchers. Funding of each such increment shall be made to SFVF after receipt and approval of said vouchers, which shall in no event, be later than forty-five (45) days. After the last installment has been disbursed to SFVF, SFVF will provide ASD with proof the last installment is being spent on properly submitted vouchers on a monthly basis until expenditure of all funds. ASD shall have sole discretion in determining whether proof of vouchers has been properly submitted.
 - The first \$300,000.00 shall be funded through General Fund and Proprietary Funds.
 - Upon depleting the first \$300,000 in funds, ASD shall provide SFVF with an additional one time allocation of \$25,000.00, , from ASD's Animal Trust Fund, for services performed by SFVF during FY 2015-16, after receipt and approval of properly submitted vouchers by ASD.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed on the date and year first above written.

DADE COUNTY VETERINARY
FOUNDATION, INC. D/B/A THE SOUTH
FLORIDA VETERINARY FOUNDATION

By: _____
(an authorized signatory)
Print name: _____
Title: _____

(AFFIX INCORPORATION SEAL)

ATTEST:

HARVEY RUVIN, CLERK

BY:

DEPUTY CLERK

(DATE)

MIAMI-DADE COUNTY
a political subdivision
of the State of Florida

Carlos A. Gimenez
County Mayor
Or Mayor's Designee

(DATE)

Federal Tax I.D. # 65-0121026
STATE OF FLORIDA
COUNTY OF MIAM-DADE

BEFORE ME, the undersigned authority, personally appeared _____, to me well known and known to me to be the individual described in and who executed the foregoing instrument as the _____ of _____, and acknowledged to and before me that he executed such instrument as such _____ of said _____, and that said instrument is the free act and deed of said limited liability company.

WITNESS my hand and official seal this ____ day of _____, ____.

(SEAL)

Signature: _____

Title: Notary Public

Name: [Print or type] _____

Serial No., if any: _____

My commission expires: _____